

2-6-23

Pro Se 9 (Rev. 12/16) Complaint to Require Performance of a Contract to Convey Real Property

UNITED STATES DISTRICT COURT

for the

District of Montana

Great Falls Division

Case No.

(to be filled in by the Clerk's Office)

Kenneth J Flynn

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-
Calvin T Christian
Mark Pyrak
Steve Brown
Darrell Peterson

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

COMPLAINT TO REQUIRE PERFORMANCE OF A CONTRACT TO CONVEY REAL PROPERTY

(20 U.S.C. § 1112, District of Columbia, 50 U.S.C. § 1112)

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	<u>Kenneth J Flynn</u>
Street Address	<u>615 1st Ave, PO Box 232</u>
City and County	<u>Gold Field, Hill County</u>
State and Zip Code	<u>Montana, 59525</u>
Telephone Number	<u>202-714-3428</u>
E-mail Address	<u>Sherlock Storage 406 @ Gmail, Com</u>

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

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Pro Se 9 (Rev. 12/16) Complaint to Require Performance of a Contract to Convey Real Property

Defendant No. 1

Name
Job or Title (if known)
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address (if known)

Calvin T Christian
Attorney Christian Sageron & Buckett PLLC
310 West Spruce St
Missoula, Missoula County
Montana 59802
406-721-7772
CTC@CSJLaw.com
Christian has a Corp CSJB PLLC

Defendant No. 2

Name
Job or Title (if known)
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address (if known)

Mark Pyrak
Real Estate agent Ft Benton Realty
1426 front St
Ft Benton Chouteau County
Montana 59442
406-622-3803 / 406-788-9280
FBREALTY1@gmail.com

Defendant No. 3

Name
Job or Title (if known)
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address (if known)

Steve Brown
Attorney Bosch, Kuhr, Dugdale & Brown PLLP
335 4th AVE
Havre, Hill
Montana 59501
406-245-4706
Sbrown@bkdlaw.org
Brown has a Corporation

Defendant No. 4

Name
Job or Title (if known)
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address (if known)

Darrell Peterson (Borns)
Attorney Peterson Peterson & Shores PC
5 W main St #2
Cut Bank, Glacier County
Montana
406-873-2231
peterson has a corporation

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Pro Se 9 (Rev. 12/16) Complaint to Require Performance of a Contract to Convey Real Property

Defendant No. 5

Name

K. Dale Schwankce

Job or Title (if known)

Attorney

Street Address

3235 5th AVE S

City and County

Great Falls ~~State~~ Cascade County

State and Zip Code

Montana 59405

Telephone Number

406 452 2520

E-mail Address (if known)

It is unknown if Schwankce is a Corporation

Defendant No. 2

Name

Job or Title (if known)

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address (if known)

Defendant No. 3

Name

Job or Title (if known)

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address (if known)

Defendant No. 4

Name

Job or Title (if known)

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address (if known)

2098

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Pro Se 9 (Rev. 12/16) Complaint to Require Performance of a Contract to Convey Real Property

II. Basis for Jurisdiction

All parties are residents of Montana

~~Federal courts are courts of limited jurisdiction (limited to cases, U.S. 28 U.S.C. § 1332, Federal courts may hear cases in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000. That kind of case, called a diversity of citizenship case, and a defendant may be a citizen of the same State as any plaintiff. Explain how these jurisdictional requirements have been met.~~

A. The Plaintiff(s)

1. If the plaintiff is an individual

The plaintiff, (name) Kenneth J Flynn, is a citizen of the
State of (name) Montana.

2. If the plaintiff is a corporation

The plaintiff, (name) Sherlock Storage LLC, is incorporated
under the laws of the State of (name) Montana, and
has its principal place of business in the State of (name) Montana.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

B. The Defendant(s)

1. If the defendant is an individual

The defendant, (name) Dale Schwankke, is a citizen of the
State of (name) Montana. ~~Or is a citizen of (foreign nation)~~

plaintiff's attorney for Sale & Exchange on 5/20/10

2. If the defendant is a corporation

The defendant, (name) unknown if a Corporation, is incorporated under
the laws of the State of (name) _____, and has its principal
place of business in the State of (name) _____.

Or is incorporated under the laws of (foreign nation) _____,
and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

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C. **The Amount in Controversy** The Embarrassed \$160,000 was to be used to pay plaintiffs IRS tax debt less than \$130,000 at that Time of Sale Now \$266,000. The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is ~~the amount at stake is \$160,000~~

\$160,000 was embarrassed by Calvin Christian (70,000), Mark Pyrak (72,000) Steve Brown \$18,000 when plaintiff closed his Sale & Exchange of his farm on 5/20/10. Mark Pyrak's real Estate Commission of \$134,880 must be returned. Plaintiff's Attorney Dale Schwankes must return his fee of \$12,375.40 for allowing the embarrassment to occur. **Total In Controversy \$307,255 plus ~~the interest is 13 years approx~~ ~~plaintiff 307255 + 240000 = 547255~~ ~~IRS TAXES of 266000 + 60000 = 326000~~ ~~307255 + 240000 = 547255~~ ~~547255 + 240000 = 787255~~ ~~787255 + 240000 = 1027255~~ ~~1027255 + 240000 = 1267255~~ ~~1267255 + 240000 = 1507255~~ ~~1507255 + 240000 = 1747255~~ ~~1747255 + 240000 = 1987255~~ ~~1987255 + 240000 = 2227255~~ ~~2227255 + 240000 = 2467255~~ ~~2467255 + 240000 = 2707255~~ ~~2707255 + 240000 = 2947255~~ ~~2947255 + 240000 = 3187255~~ ~~3187255 + 240000 = 3427255~~ ~~3427255 + 240000 = 3667255~~ ~~3667255 + 240000 = 3907255~~ ~~3907255 + 240000 = 4147255~~ ~~4147255 + 240000 = 4387255~~ ~~4387255 + 240000 = 4627255~~ ~~4627255 + 240000 = 4867255~~ ~~4867255 + 240000 = 5107255~~ ~~5107255 + 240000 = 5347255~~ ~~5347255 + 240000 = 5587255~~ ~~5587255 + 240000 = 5827255~~ ~~5827255 + 240000 = 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71827255~~ ~~71827255 + 240000 = 72067255~~ ~~72067255 + 240000 = 72307255~~ ~~72307255 + 240000 = 72547255~~ ~~72547255 + 240000 = 72787255~~ ~~72787255 + 240000 = 73027255~~ ~~73027255 + 240000 = 73267255~~ ~~73267255 + 240000 = 73507255~~ ~~73507255 + 240000 = 73747255~~ ~~73747255 + 240000 = 73987255~~ ~~73987255 + 240000 = 74227255~~ ~~74227255 + 240000 = 74467255~~ ~~74467255 + 240000 = 74707255~~ ~~74707255 + 240000 = 74947255~~ ~~74947255 + 240000 = 75187255~~ ~~75187255 + 240000 = 75427255~~ ~~75427255 + 240000 = 75667255~~ ~~75667255 + 240000 = 75907255~~ ~~75907255 + 240000 = 76147255~~ ~~76147255 + 240000 = 76387255~~ ~~76387255 + 240000 = 76627255~~ ~~76627255 + 240000 = 76867255~~ ~~76867255 + 240000 = 77107255~~ ~~77107255 + 240000 = 77347255~~ ~~77347255 + 240000 = 77587255~~ ~~77587255 + 240000 = 77827255~~ ~~77827255 + 240000 = 78067255~~ ~~78067255 + 240000 = 78307255~~ ~~78307255 + 240000 = 78547255~~ ~~78547255 + 240000 = 78787255~~ ~~78787255 + 240000 = 79027255~~ ~~79027255 + 240000 = 79267255~~ ~~79267255 + 240000 = 79507255~~ ~~79507255 + 240000 = 79747255~~ ~~79747255 + 240000 = 79987255~~ ~~79987255 + 240000 = 80227255~~ ~~80227255 + 240000 = 80467255~~ ~~80467255 + 240000 = 80707255~~ ~~80707255 + 240000 = 80947255~~ ~~80947255 + 240000 = 81187255~~ ~~81187255 + 240000 = 81427255~~ ~~81427255 + 240000 = 81667255~~ ~~81667255 + 240000 = 81907255~~ ~~81907255 + 240000 = 82147255~~ ~~82147255 + 240000 = 82387255~~ ~~82387255 + 240000 = 82627255~~ ~~82627255 + 240000 = 82867255~~ ~~82867255 + 240000 = 83107255~~ ~~83107255 + 240000 = 83347255~~ ~~83347255 + 240000 = 83587255~~ ~~83587255 + 240000 = 83827255~~ ~~83827255 + 240000 = 84067255~~ ~~84067255 + 240000 = 84307255~~ ~~84307255 + 240000 = 84547255~~ ~~84547255 + 240000 = 84787255~~ ~~84787255 + 240000 = 85027255~~ ~~85027255 + 240000 = 85267255~~ ~~85267255 + 240000 = 85507255~~ ~~85507255 + 240000 = 85747255~~ ~~85747255 + 240000 = 85987255~~ ~~85987255 + 240000 = 86227255~~ ~~86227255 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- C. Describe when and how you complied with, or attempted to comply with, all of your obligations under the contract, ~~including payment of the purchase price~~. If you have not complied with all of your obligations under the contract, explain how you are ready and able to comply with those obligations.

Plaintiff was taken advantage of, His disability caused by a ~~car~~ Car Ruck on 1-4-10 affected memory & cognitive function.

- D. Describe when and how you requested that the defendant(s) convey the real property at issue and when and how the defendant(s) ~~refused~~. Attach copies of any correspondence with the defendant(s).

Plaintiff upheld his obligation to sell & purchase Sheelock Storage along with two Condominiums in Missouri. The embroilment of \$160,000 Breach of Contract caused an IRS Debt of \$130,000 to go unpaid now at \$246,000. All this information was gained from review of Calum Christians and Darrell Peterson's files Spring of 2021 (April) Christian Quit plaintiff's Representation winter of 2020 when plaintiff received his files, then reviewed Peterson's.

IV. Relief

What is your requested form of relief? (check all that apply)

☐

Specific performance of the contract. (Explain why specific performance is the only adequate remedy and why damages would not suffice.)

☒

Damages sustained as a result of the defendant(s)' refusal to comply with the contract. (Describe the damages you are requesting.)

- ① IRS Debt of \$246,000 - The 160,000 was to pay the Income Tax 2015 = 130,000 5/20/10
 ② Defendant Mark Pyriuk took \$134,880 Not the agreed Commission of \$72,440
 He must Return the Entire Commission of \$134,880
 ③ The entire \$160,000 taken by Christian, Pyriuk and Brown allowed by plaintiff's Attorney Dale Schwentke & Escrow agent Darrell Peterson
 Total of \$540,880 plus Interest at 10% 13 yrs = April 11, 2023 \$1,144,510
 12,375

Schwentke's
Fees of

573,255.40 Total Damages w/ Int 13 yrs (April) \$1,144,510

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☐

If specific performance cannot be granted, damages in the amount of \$ _____

(Describe the damages you are requesting.)

☐

Other relief.

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 2-6-23

Signature of Plaintiff

Printed Name of Plaintiff

Kenneth J Flynn

B. For Attorneys

Date of signing: _____